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Question of the Falkland Islands (Malvinas)

Letter dated 7 March 2016 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

In my capacity as President Pro Tempore of the Southern Common Market (MERCOSUR) and associated States, I have the honour to inform you that the forty-ninth Ordinary Meeting of the Council of the Common Market and Summit of Presidents of MERCOSUR was held in Asunción, Republic of Paraguay, on 21 December 2015.

On that occasion, the Presidents of MERCOSUR States parties and associated States agreed on a special communiqué and on paragraphs of their joint communiqué that relate to the question of the Malvinas Islands.

In paragraph 33 of the joint communiqué adopted by the MERCOSUR States parties and associated States, the Presidents:

> "Reaffirmed the terms of the 'Declaration of the Presidents of the States parties of MERCOSUR, the Republic of Bolivia and the Republic of Chile', signed on 25 June 1996 in Potrero de los Funes, Argentine Republic, known as the 'Malvinas Declaration', and reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute concerning the question of the Malvinas Islands;
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> "Stressed that the adoption of unilateral measures is incompatible with United Nations decisions, and recalled that it is in the interests of the region for the prolonged sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States, the Community of Latin American and Caribbean States, the Union of South American Nations, MERCOSUR and other regional and multilateral forums;
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> "Recalled, in that context, that 16 December 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), which was the first to refer specifically to the question of the Malvinas Islands and which has been reiterated up to the present day by successive resolutions of

the General Assembly and the Special Committee on decolonization, and noted with satisfaction the significant contribution made by the Special Committee on decolonization in its consideration of the question over the 50 years since the adoption of resolution 2065 (XX);

"Welcomed the reiteration by the President Pro Tempore of the request to the Secretary-General of the United Nations to renew his efforts, pursuant to the mission of good offices entrusted to him by the General Assembly through successive resolutions, to bring about the resumption of negotiations in order to find a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission".[1]

In addition, the Heads of State of the MERCOSUR States parties and associated States adopted the "Special declaration on hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 46, concerning the question of the Malvinas Islands.

(*Signed*) Elbio **Rosselli**
Ambassador
Permanent Representative of Uruguay to the United Nations

[1] The full text of the joint communiqué is available at: http://www.mercosur.int/innovaportal/file/4488/1/comunicado-ep-ea_es.pdf.

Annex to the letter dated 7 March 2016 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

Special declaration on hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands

The Presidents of the MERCOSUR States parties and associated States, being aware of the presence of a semi-submersible platform on the Argentine continental shelf that is carrying out hydrocarbon exploration activities that are unauthorized by the Argentine Republic,

Firmly reject this new unilateral action by the United Kingdom of Great Britain and Northern Ireland, which violates international law and Argentine domestic legislation;

Recall the ongoing mandate set forth in United Nations General Assembly resolution 31/49, which calls upon both parties in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to refrain from taking decisions that would imply introducing unilateral modifications in the situation, as such decisions are in no way conducive to the attainment of a definitive solution to the sovereignty dispute, a solution which the international community has called for repeatedly;

Reaffirm, in particular, the special communiqué on hydrocarbon exploration on the continental shelf, which was approved by the Heads of State and Government at the Latin American and Caribbean Unity Summit held in Cancún, Mexico, on 23 February 2010, and the commitments made with respect to illegal hydrocarbon and/or mining activities on the Argentine continental shelf, including the sharing of information, and the prevention of the entry into their ports of vessels flying the illegal flag of the Malvinas Islands;

Ratify the statements of other regional and biregional organizations and forums that have taken a position on this question, most recently the Group of 77 and China, the Latin American Energy Organization and the Latin American Integration Association, which expressed the view that the operations carried out by companies not authorized by the Argentine Government in the Malvinas Islands area relating to the exploration for natural resources, especially hydrocarbon resources, were seriously detrimental to the sovereign rights of the Argentine Republic over its continental shelf. Those forums have also recognized the right of the Argentine Republic to take administrative and legal action, with full respect for international law and relevant resolutions, against the unauthorized hydrocarbon exploration and exploitation activities that the United Kingdom is carrying out in the aforementioned area;

Take note of the legal action taken by the Argentine Republic against companies involved in unauthorized hydrocarbon exploration and exploitation activities on the Argentine continental shelf.

Asunción, 21 December 2015